

Draft of 5/7/15

Chadds Ford Township
Delaware County, PA

Planning Commission Meeting
Wednesday, April 8, 2015
7:00PM

A meeting of the Chadds Ford Township Planning Commission was called to order on Wednesday, April 8, 2015 at 7:00PM. Chairman Craig Huffman, Vice Chairman Mike Ashmore, Commissioner Tom Kerwin and Commissioner Tom Singer were present. Ms. Amanda Serock, Manager, Mr. Michael Schneider, Engineer and Mr. Matt DiFilippo, Secretary, were also present.

Approval of Minutes

Vice Chairman Ashmore's motion to approve the Planning Commission minutes of March 11th was seconded by Commissioner Kerwin and passed unanimously.

Public Comment

Valerie Hoxter reported that she will be recording the meeting.

SALDO Application: 1711 Wilmington Pike (Concord Auto Body)

Mike Lyons, Esq., attorney for the applicant, and Matthew Houtmann, PE, engineer for the applicant, presented the application on behalf of the applicant, Larry Ferriola of Concord Auto Body. Matthew Houtmann reviewed the plan, provided background information on the applicant including the applicants ZHB variance granted in 2014, and described how the lot is currently non-conforming by reviewing the dimensions of the lot. He continued by explaining the proposed improvements: a stone lot with a screened privacy fence, security light and a stormwater management feature to be used to park and store cars for repair. The updated lease was discussed briefly. The Township's engineer's review letter was discussed, specifically, compliance with lighting, stormwater management, and a future sewer connection. Vice Chairman Ashmore inquired about the applicant requesting a waiver for an environmental impact assessment and brought up cars possibly leaking toxic fluids such as transmission fluid. Mr. Ferriola commented that cars scheduled on a weekly basis for regular service will be parked in the new lot, and that cars with serious leaks will be parked next to the shop on a more pervious surface so spills and leaks can be cleaned properly.

Motion

Chairman Huffman's motion to recommend approval of the 1711 Wilmington Pike SALDO application as submitted as a preliminary/ final land development application, subject to the terms and conditions of Pennoni Associates' review letter, verification of the stormwater basin

being code compliant, and a recommendation that the Board of Supervisors grant a waiver of an Environmental Impact Assessment report was seconded by Tom Singer.

Discussion

The lease between Concord Auto Body and Brandywine East was discussed, and what will happen if the lease ends. Mike Lyons, attorney for the applicant, commented that the property received a variance so the use would always have to be consisted with the variance, which allows an auto dealership on the property. After discussion amongst the Commissioners regarding the matter, the below condition was added to the motion:

Upon termination of the variance pertaining to 1711 Wilmington Pike, the condition of the gravel lot and fence must be removed.

Motion passed.

Township Ordinance Review: Noise Ordinance

It was reported that various comments from residents have been received via email, and that the noise ordinance is still being drafted.

Public Comment

Maurice Todd, Harvey Lane resident and Harvey Run HOA president, commented on specific definitions within the drafted noise ordinance document that had been circulated.

Valerie Hoxter, Painters Crossing, inquired about noise created by construction and the hours of operation allowing construction activity. She commented that she would like to see the hours limited on Saturdays as they are on Sundays and Holidays. The permitting process was also discussed.

Ted Hoppe, attorney for Calvary Chapel, 500 Brandywine Drive, raised concerns about the draft noise ordinance stating that it would burden the church's allowed uses of its property, especially on Sunday. He raised specific issues with the church being removed from the exemption section of the draft ordinance, objectivity of the ordinance, the definition of what's unreasonable noise and a reasonable person, and the distance necessary to notify residents if a permit were to be acquired. His ultimate request was to continue to work on the draft and allow Calvary Chapel to be a part of the process.

Mike Lyons, attorney for Not Your Average Joe's, introduced Erich Carr Everbach, a sound expert from Swarthmore College. He commented that the draft noise ordinance has a long list of unnecessary devices, and it's not the device creating the noise that's the problem but the actual noise. He also mentioned that the levels in the current draft are too low and the time restraints contradict with what was approved for Not Your Average Joe's outdoor dining hours of operation.

Vice Chairman Ashmore expressed concerns with the ordinance about the following: the ordinance being too large and seeming to be an amalgamation of a variety of ordinances, specifics of noise measurements and sources of noises, quantitative standards within the ordinance, permitting process and enforcement and measuring devices and the operator using the measuring device. Chairman Huffman agreed with the issues brought up by Vice Chairman Ashmore. Chairman Huffman added that content-based regulations are unconstitutional and that exempting churches and schools is inappropriate. Commissioner Kerwin commented that it appears that the drafted noise ordinance is trying to settle a dispute between neighbors and such legislation is difficult, if not impossible, and that the noise ordinance and the problem between neighbors is two different issues and that they should be dealt with separately.

Motion

Chairman Huffman's motion to table any recommendation of the currently drafted noise ordinance was seconded by Vice Chairman Ashmore.

Discussion

It was discussed by the Commissioners that the definitions need to be corrected and the document needs to be shortened.

Motion passes unanimously to table any recommendation to the Board of Supervisors of the drafted noise ordinance.

Township Ordinance Review: Floodplain Ordinance

Manager Serock reported that the Township needs to update its floodplain ordinance, which is required by the state, and that it will be on the Planning Commission's agenda.

Other

Manager Serock reported that the Township is applying for a DCNR grant on behalf of the Open Space committee for a comprehensive plan for its trails.

Adjournment

Vice Chairman Ashmore's motion to adjourn the meeting at 9:47PM was seconded by Chairman Huffman and passed unanimously.

Respectfully submitted,

Matt DiFilippo